

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a person named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

THERAPEUTIC AGENTS USEFUL FOR TREATING PAIN

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on (if applicable)
- ☒ was filed in the United States on July 24, 2003 as Application No. 10/625,708 (for declaration not accompanying application) with amendment(s) filed on (if applicable)
- ☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION | | | | |
|--------------------------------------------------------------------------------------------|---------|--------------------------------------|------------------------------|-----------------------------|
| APPLICATION NUMBER | COUNTRY | DATE OF FILING (day, month, year) | PRIORITY CLAIMED | |
| | | | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, §119(c) of any United States provisional application(s) listed below.

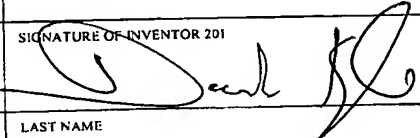

| PROVISIONAL APPLICATION NUMBER | FILING DATE |
|--------------------------------|--------------------|
| 60/416,525 | October 8, 2002 |
| 60/413,155 | September 25, 2002 |
| 60/411,020 | September 17, 2002 |
| 60/398,594 | July 26, 2002 |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| NON-PROVISIONAL APPLICATION SERIAL NO. | FILING DATE | STATUS | | |
|-------------------------------------------|-------------|----------|---------|-----------|
| | | PATENTED | PENDING | ABANDONED |
| | | | | |

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | | | |
|-------------|----------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------|----------------------------------------------------|
| 2 0 1 | FULL NAME OF INVENTOR | LAST NAME KYLE | FIRST NAME Donald | MIDDLE NAME J. |
| | RESIDENCE & CITIZENSHIP | CITY Newton | STATE OR FOREIGN COUNTRY PA | COUNTRY OF CITIZENSHIP United States of America |
| | POST OFFICE ADDRESS | STREET 29 Weatherfield Drive | CITY Newton | STATE OR COUNTRY PA |
| | SIGNATURE OF INVENTOR 201  | | | DATE 4/22/04 |
| 2 0 2 | FULL NAME OF INVENTOR | LAST NAME SUN | FIRST NAME Qun | MIDDLE NAME |
| | RESIDENCE & CITIZENSHIP | CITY Princeton | STATE OR FOREIGN COUNTRY NJ | COUNTRY OF CITIZENSHIP United States of America |
| | POST OFFICE ADDRESS | STREET 19 Aldgate Court | CITY Princeton | STATE OR COUNTRY NJ |
| | SIGNATURE OF INVENTOR 202  | | | DATE 4/22/2004 |
| 2 0 3 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME |
| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY |
| | SIGNATURE OF INVENTOR 203 | | | DATE |
| 2 0 4 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME |
| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY |
| | SIGNATURE OF INVENTOR 204 | | | DATE |
| 2 0 5 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME |
| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY |
| | SIGNATURE OF INVENTOR 205 | | | DATE |



Express Mail No. **EV 335 859 739 US**

POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Donald J. KYLE and Qun SUN

Confirmation No.: 8122

Serial No.: 10/625,708

Art Unit: 1614

Filed: July 24, 2003

Examiner: To Be Assigned

For: THERAPEUTIC AGENTS USEFUL FOR
TREATING PAIN

Attorney Docket No.: 6750-174-999
(305158-999172)

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Practitioners at Customer Number 20583 all of Jones Day, whose address is 222 East 41st Street, New York, New York 10017, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Jones Day as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence for this application to customer no. 20583.

I am the:

- ☐ Applicant/Inventor
☒ Assignee of record of the entire interest. See 37 CFR 3.71.
(Statement under 37 CFR 3.73(b) is applicable)

Statement Under 37 C.F.R. 3.73(b)

Assignee, Euro-Celtique S.A. states that it is:

- ☒ the assignee of the entire right, title, and interest; or
☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office on
at Reel , Frame , or for which a copy thereof is attached.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above,
to the current assignee as shown below:

1. From: To:
The document was recorded in the United States Patent and Trademark Office on
 at Reel , Frame , or for which a copy thereof is attached.

2. From: To:
The document was recorded in the United States Patent and Trademark Office on
 at Reel , Frame , or for which a copy thereof is attached.

3. From: To:
The document was recorded in the United States Patent and Trademark Office on
 at Reel , Frame , or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments of other documents in the chain of title are attached.
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

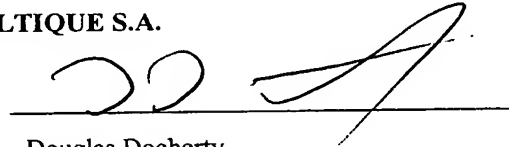
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE: EURO-CELTIQUE S.A.

Date:

Apr 23 104

Signature:



Typed Name:

Douglas Docherty

Position/Title:

Director

Address:

122 Boulevard de la Petrusse
L-2330 Luxembourg

ASSIGNMENT

WHEREAS, WE, DONALD J. KYLE and QUN SUN, ASSIGNORS, citizens of the United States, residing at 29 Weatherfield Drive, Newton, PA 18940, and 19 Aldgate Court, Princeton, NJ 08540, respectively, are the inventors of the invention in

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for which we have executed an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐
☒ which is identified by Jones Day no. 305158-999172 (formerly 6750-174-999)
☒ which was filed on July 24, 2003, Application No. 10/625,708

and WHEREAS, EURO-CELTIQUE S.A., 122 Boulevard de la Petrusse, L-2330, Luxembourg, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 4/22/2004, 2004

State of New Jersey

County of Middlesex, SS.:

On April 22, 2004, before me, Michelle A Harris, Notary Public, personally appeared Donald J. KYLE, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Michelle A Harris
 MICHELLE A. HARRIS
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires 07/17/2008

Date

4/7/2

, 2004

Qun SUN

L.S.

State of

New Jersey

County of

Monmouth, SS.

On April 22

, 2004, before me,

Michelle A Harris

Notary Public, personally appeared Qun SUN, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Michelle A. Harris

MICHELLE A. HARRIS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 07/17/2008

BEST AVAILABLE COPY